

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-----X
LOUIS TAKACS, on behalf of himself
and others similarly situated,

Plaintiffs,

-against-

JOSHUA MICHAELY and PRESTIGE OF LAS VEGAS,
INC.,

Defendants.

✓ FILED _____ RECEIVED
_____ ENTERED _____ SERVED ON
COUNSEL/PARTIES OF RECORD

2003 DEC 9 P 3:47
Judge

CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY MJ DEPUTY

CV-S-03-1550-RLH-LRL

COMPLAINT

The Plaintiff, by his attorney, Leon Greenberg Professional Corporation, as and for a Complaint against the defendants, states and alleges, as follows:

JURISDICTION, PARTIES AND PRELIMINARY STATEMENT

1. This Court has jurisdiction over the claims presented herein pursuant to the Act of June 25, 1938, ch 676, 52 Stat 1069, 29 USC Sections 201-219, known as the Fair Labor Standards Act ("the FLSA" or "the Act"), a law of the United States regulating interstate commerce, and specifically under the provisions of Section 16 of said act, as amended (29 U.S.C. § 216(b)).

2. The plaintiff LOUIS TAKACS ("plaintiff") is a resident of the State of Nevada and a former employees of the defendants or one or more of the defendants.

3. The corporate defendant PRESTIGE OF LAS VEGAS, INC., ("Prestige") is owned and/or controlled and/or operated

and/or managed by the defendant JOSHUA MICHAELY ("Michaely").

4. The defendant Prestige is a corporation formed and existing pursuant to the Laws of the State of Nevada and has its principal place of business in Clark County Nevada.

5. The defendant Michaely is a resident of the State of Nevada.

6. The defendant Michaely is an officer of the defendant Prestige.

7. The defendant Michaely is a director of the defendant Prestige.

8. The defendant Michaely is a shareholder of the defendant Prestige.

9. The defendant Michaely is a manager of the defendant Prestige.

10. The defendant Michaely is an employee of the defendant Prestige.

11. The defendant Michaely exercised control over the employment of the plaintiff by the defendant Prestige in that Michaely specifically directed how the plaintiff was to be paid by Prestige and/or made decisions on behalf of Prestige, or that Prestige followed, to not pay the plaintiff the overtime pay that is complained of herein, and it is further alleged that such conduct by the defendant Michaely has made him an "employer" or a "person acting on behalf of an employer" within the meaning of the

FLSA and rendered Michaely personally liable to the plaintiff for the claims made herein.

12. The defendants engage in a for-profit business which has gross revenue in excess of \$500,000 per annum and is engaged in the production of goods for interstate commerce and/or the use and/or handling of goods which have moved in interstate commerce as such terms are defined in the FLSA and are employers subject to the jurisdiction of the FLSA.

13. The plaintiff has been an employee of the defendants during the time period pertinent to this complaint, to wit, during a portion of the three years immediately preceding the initiation of this action. The plaintiff has performed labor and services in various occupations that are subject to the aforesaid provisions of the FLSA. These occupations include, but are not limited to, hourly labor in defendants' construction business.

14. That the various violations of law which are alleged herein were committed intentionally and/or willfully by the defendants.

AS AND FOR A FIRST CLAIM FOR RELIEF PURSUANT TO THE
FAIR LABOR STANDARDS ACT ON BEHALF OF
LOUIS TAKACS AND ALL OTHERS SIMILARLY SITUATED

15. The plaintiff LOUIS TAKACS brings this First Claim for Relief pursuant to 29 U.S.C. § 216(b) on behalf of himself and all other similarly situated persons, if any, who consent in writing to

join this action.

16. Pursuant to the applicable provisions of the FLSA, 29 U.S.C. § 206 and § 207, the plaintiff was entitled to a minimum wage and an overtime hourly wage of time and one-half his regular hourly wage for all hours worked in excess of forty hours per week, the plaintiff worked more than 40 hours per week for the defendants, and the defendants willfully failed to make said overtime payments.

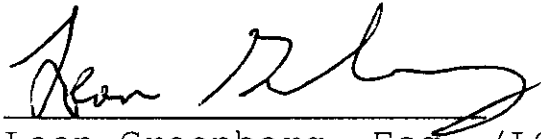
17. The plaintiff, LOUIS TAKACS on behalf of himself and all other similarly situated persons who consent in writing to join this action, seek, on this First Claim for Relief, a judgment for unpaid overtime wages and/or unpaid minimum wages, and additional liquidated damages of 100% of any unpaid minimum wages and/or overtime wages, such sums to be determined based upon an accounting of the hours worked by, and wages actually paid to the plaintiff LOUIS TAKACS and any such other persons who consent to join this action, and the plaintiff also seeks an award of attorney's fees, interest and costs as provided for by the FLSA.

Wherefore, the plaintiff demands a judgment on all claims for relief as alleged aforesaid.

Plaintiff demands a trial by jury on all issues so triable.

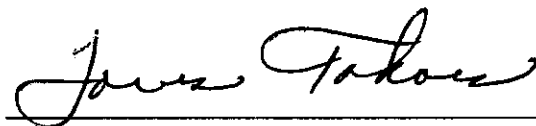
Dated: Clark County, Nevada
December 9, 2003

Yours, etc.,

A handwritten signature in black ink, appearing to read "Leon Greenberg", written over a horizontal line.

Leon Greenberg, Esq. (LG3280)
LEON GREENBERG PROFESSIONAL CORPORATION
Attorney for the Plaintiff
633 South 4th Street - Suite 9
Las Vegas, Nevada 89010
(703) 383-6085

Louis Takacs, by signing below, hereby consents to join
this case as a plaintiff pursuant to 29 U.S.C. 216(b).

A handwritten signature in cursive script, appearing to read "Louis Takacs", is written over a horizontal line.

Louis Takacs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LOUIS TAKACS, on behalf of himself Judge
and others similarly situated,

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-against-

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INC.,

Defendants.

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COMPLAINT

LEON GREENBERG, ESQ
LEON GREENBERG PROFESSIONAL CORPORATION
Attorney for the Plaintiff(s)
633 South 4th Street - Suite 9
Las Vegas, Nevada 89101
(703) 383-6085
